



Clean Energy Future Committee Meeting Minutes

Approved at the 1/22/2021 meeting

December 18, 2020

8:00 – 9:18 a.m.

Virtual Meeting – Hosted on Zoom

Members present: Jim DiTullio, Ken Pruitt, Dave Levy, Emily Sullivan, Shelly Dein, Dan Amstutz, Pasi Miettinen, Ryan Katofsky, Coralie Cooper, Nellie Akenhead, Adam Chapdelaine, Dianne Mahon

Also attending: Jennifer Raitt

Members not present: Marc Breslow

The meeting convened at 8:06 a.m.

Video Meeting Procedures

Mr. Pruitt read a set of prepared remarks explaining the procedures that the Committee would follow to hold a virtual meeting. Governor Baker signed an Executive Order in response to the COVID-19 pandemic allowing virtual meetings, which suspended the usual Open Meeting Law requirement that a quorum of committee members be physically present in order to hold an official committee meeting.

Meeting Minutes

Mr. Pruitt displayed the minutes from the November 20 Meeting. Mr. Pruitt highlighted specific edits suggested by Mr. Amstutz and Ms. Sullivan. Mr. Katofsky suggested an additional edit to the minutes regarding the description of the discussion about Warrant Article 5. Mr. Miettinen motioned to approve the minutes as amended. Ms. Dein seconded the motion. A roll call vote was taken. The Committee unanimously approved the November 20 meeting minutes as amended.

Agenda Item 1: Potential 2021 Town Meeting Warrant Article

Mr. Miettinen presented a proposed Warrant Article for the Town Meeting in 2021. Mr. Pruitt highlighted that this proposed measure is one of the 31 measures in the draft Net Zero Action Plan that the Committee is working on. The measure, NZB 3, would change zoning to eliminate certain barriers to constructing net zero energy capable buildings on non-conforming lots by allowing for full basement removal and replacement during home reconstruction. Mr. Miettinen provided the context for this Warrant Article, which is that 1) many homes in Arlington are on non-conforming lots based on current zoning,

and 2) current zoning rules functionally prevent existing homes on non-conforming lots from being renovated in ways that would allow them to achieve net zero emissions. Mr. Miettinen highlighted that buildings, specifically homes, are the number one source of greenhouse gas emissions in Arlington.

Mr. Miettinen noted that an average of 8 existing buildings in Arlington would need to be converted to net zero buildings per week in order to convert all 12,000 buildings in Arlington to net zero by 2050. He highlighted his concern that zoning rules for non-conforming lots will need to be changed to allow for conversion of buildings to net zero. He noted that new homes can be built on non-conforming lots, but that they cannot have new foundations. Without the ability to have new, highly-insulated foundations, it is very difficult if not impossible to retrofit many older buildings to become net zero emissions. Mr. Miettinen also noted that most new construction on non-conforming lots does not have to comply with all of the new, more stringent building codes because the construction is considered as renovation instead of new construction. This is true for energy efficiency standards, and also safety standards, such as driveway steepness which only apply to new construction.

Mr. Miettinen noted that the new energy code diverges depending on if a house is on a new foundation or not on a new foundation, because the former is considered new construction and subject to more stringent energy efficiency standards in the building code. He said that energy efficiency requirements in the building code become more stringent roughly every three years with each new version of the building code, but these changes do not currently translate into greater efficiency for new construction on non-conforming lots because that construction is considered renovation instead of new construction. Mr. Levy asked a question regarding feasibility of achieving a net zero home or close to it without a new foundation. Mr. Miettinen noted that without a fully insulated foundation, it would be more challenging to construct a net zero house.

Mr. Amstutz asked if the 12,000 buildings figure cited by Mr. Miettinen is the total number of buildings or units, which is not the same thing for multi-unit buildings. Mr. Miettinen said that the focus should be on the number of buildings, regardless of if they are commercial, multi-family or single family.

Mr. Miettinen noted that the proposed Warrant article is focused on R0, R1 and R2 zoning, given that trying to modify zoning to promote net zero construction in other zones is more complex. Mr. Miettinen presented the warrant article concept, which focuses on existing lots with existing buildings. He noted that the warrant article would primarily allow new foundations on lots where new homes would be built on the same footprint of the existing home, or if all current zoning dimensional requirements were met (even if the 50 foot frontage or 5,000 square foot total area requirements were not met).

Mr. Katofsky asked about the origin of the efficiency code applying to conforming lots vs. non-conforming lots. Mr. Miettinen noted that the distinction in conformance of energy codes (new construction vs. renovation) is an Arlington interpretation, which has been made over time.

Ms. Aikenhead raised a concern that changing the definition of conforming vs. non-conforming lots based on whether a high energy efficiency standard was met would be highly controversial. She asked whether it might be better to allow new construction including new foundations on non-conforming lots if they achieved high efficiency, without changing the status of the lot from non-conforming to conforming.

Mr. Miettinen discussed the history of lot size zoning in Arlington, noting examples throughout the town of changes and exceptions that occurred for a variety of reasons. He noted that many non-conforming lots are in East Arlington, although there are many scattered around Arlington.

Mr. Miettinen then asked the Committee to support a warrant article to make this zoning bylaw change. He noted that since this is a zoning warrant article, it will require a two-thirds vote to pass, so there will need to be significant outreach and discussions with a variety of stakeholders.

Mr. Pruitt asked Mr. Miettinen to clarify whether he was asking the Committee for endorsement of the specific language he presented at this meeting, or just to support a warrant article that would achieve the purpose of this concept. Mr. Miettinen stated that he wanted support for the concept, and that the exact language would be worked out over the coming weeks based on input from this committee, the Arlington Redevelopment Board, the Select Board, the Department of Planning and Community Development and other stakeholders.

Ms. Dein applauded Mr. Miettinen's efforts. However, she said she thought that most new construction on non-conforming lots that would be impacted by this zoning amendment would be undertaken by developers who undertake teardowns rather than existing homeowners. She voiced concern that there are not any incentives for developers to build a net zero home. Mr. Miettinen agreed that he was not aware of any incentives for developers to build net zero homes in Arlington. He then noted that the current building code is the only standard we can apply to new construction.

Ms. Dein pointed out that the draft Net Zero Plan does call for new incentives for construction of high efficiency homes.

Mr. Pruitt, noting the time, asked for any further discussion of this agenda item. Mr. Katofsky made a motion for the CEFC to support this conceptual zoning amendment as presented by Mr. Miettinen. Mr. Levy seconded the motion. Ms. Aikenhead then asked if further language could be introduced or modified prior to final consideration.

Ms. Melofchik, member of the public, voiced concern about greenhouse gases in new cement production and in new construction. Mr. Pruitt said he would forward Ms. Melofchik's email, detailing her concerns, to the Committee.

The Committee then voted unanimously on Mr. Katofsky's Motion for the Clean Energy Future Committee to support the development of a warrant article addressing the inconsistencies of the current zoning bylaw as it applies to conforming vs. non-

conforming lots, so that the construction of highly efficient homes would be made more feasible on what are now non-conforming lots.

Based on the length of this discussion, Mr. Katofsky requested that Committee members prepare draft motions before Committee meetings to facilitate more efficient discussions.

Agenda Item Two: New Chapter of the Net Zero Plan

Mr. Pruitt noted that he sent a new chapter of the Net Zero Plan to the Committee earlier in the week. This new chapter is titled Getting to Net Zero. Given the short time remaining in the meeting, Mr. Pruitt asked the Committee to review the chapter later and send suggested edits to him, which he would incorporate into a new draft for Committee review in January. Mr. Miettinen noted that some of the proposed changes to the Net Zero Plan as evidenced in this new chapter were very good. He recommended that future changes to the Plan be limited to improvements to clarity or style, but not change the underlying meaning or principles that the Committee has established earlier, as they were already debated at length in various Committee meetings.

Mr. Amstutz said he has reviewed the new chapter and would send suggested edits. He asked about language at the end of the chapter that seems contradictory – it calls the Net Zero Plan a “living document” but then only recommends edits once every ten years. Mr. Pruitt agreed that this question should be addressed by the Committee at the next meeting.

Ms. Mahon made a motion to adjourn and Mr. Miettinen seconded the motion. The Committee unanimously approved the motion.

The Meeting ended at 9:18am. The next meeting will occur on January 22, 2021.

Submitted by Dave Levy.